

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Debora M. H. LITWILLER

GROUP: 2174

APPLICATION: 10/801,464

EXAMINER: B. Parker

FILED: March 16, 2004

CONFIRMATION: 3203

**FOR: METHOD AND SYSTEM FOR DISPLAYING ANNOTATED
INFORMATION ASSOCIATED WITH A SETTABLE VARIABLE
VALUE FEATURE**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR RELIEF FROM PAID EXCESS FEES

The Applicant respectfully petitions the Honorable Commissioner, under 37 C.F.R. 1.181 to invoke the Commissioner's supervisory authority and instruct the Deposit Account Branch to refund the extra Notice of Appeal fees and extra Appeal Brief Fees charged in view of the facts and reasons set forth below.

Statement of Facts

1. On December 21, 2007, the undersigned electronically filed a Notice of Appeal for the above-identified application, along with the Fee of **\$510**, to be charged against Deposit Account 24-0037.

2. On December 28, 2008, the undersigned electronically filed an Appeal Brief for the above-identified application, along with the Fee of **\$510**, to be charged against Deposit Account 24-0037.

3. On June 11, 2009, the Examiner withdrew this application from Appeal and issued a new Office Action.

4. On September 14, 2009, the undersigned initiated a new appeal by electronically filing a Notice of Appeal under 37 CFR 41.31 along with an Appeal Brief under 37 CFR 41.37.

5. On September 14, 2009, the undersigned was required the full fees for electronically filing a Notice of Appeal under 37 CFR 41.31 (**\$540**) instead of the required fee of \$30.

6. On September 14, 2009, the undersigned was required the full fees for electronically filing an Appeal Brief under 37 CFR 41.37 (**\$540**) instead of the required fee of \$30.

REMARKS

As noted above, September 14, 2009, the undersigned electronically filed a Notice of Appeal under 37 CFR 41.31 along with an Appeal Brief under 37 CFR 41.37.

The Notice of Appeal under 37 CFR 41.31 required a fee of \$30 (\$540 [current fee] - \$510 [previous paid fee]). However, the undersigned was required the full fees for electronically filing a Notice of Appeal under 37 CFR 41.31 (**\$540**) instead of the required fee of \$30.

The Appeal Brief under 37 CFR 41.37 required a fee of \$30 (\$540 [current fee] - \$510 [previous paid fee]). However, the undersigned was required the full fees for electronically filing an Appeal Brief under 37 CFR 41.37 (**\$540**) instead of the required fee of \$30.

37 C.F.R. 1.17(h) states that the Director may refund any fee paid in excess of that required. As noted above, the undersigned was required, due to the limitations of the Patent Office's EFS, pay fees in excess to that which was required.

Therefore, since the fees for the Notice of Appeal and Appeal Brief were paid in excess of that required, the excess fees (**\$1020**) should be refunded to Deposit Account 24-0037.

CONCLUSION

Therefore, in view of the facts and reasons set forth above, the Applicant respectfully request that the Honorable Commissioner invoke the Commissioner's supervisory authority under 37 C.F.R. 1.181 and instruct the Deposit Account Branch to refund the excess fees of \$1020 charged to Deposit Account 24-0037.

The Honorable Commissioner is respectfully encouraged to contact the undersigned to discuss the circumstances warranting this Petition.

Respectfully submitted,



Michael J. Nickerson
Registration No. 33,265
Basch & Nickerson LLP
1777 Penfield Road
Penfield, New York 14526
Telephone: (585) 899-3970
Customer No. 75931

MJN/mjn